

**PLANNING COMMISSION
CITY OF ST. GEORGE
WASHINGTON COUNTY, UTAH
February 10, 2015 – 5:00 PM**

MINUTES APPROVED
By: TODD STAHELI
Seconded: DON BUEHNER
Date: 4/14/15

PRESENT: Chair Ross Taylor
Commissioner Ro Wilkinson
Commissioner Nathan Fisher
Commissioner Don Buehner
Commissioner Todd Staheli
Commissioner Julie Hullinger
Council Member Joe Bowcutt

CITY STAFF: Assistant Public Works Director Wes Jenkins
Planning & Zoning Manager John Willis
Planner II Ray Snyder
City Surveyor Todd Jacobsen
Assistant City Attorney Victoria Hales
Planning Associate Genna Singh

EXCUSED: Commissioner Diane Adams

FLAG SALUTE

Chair Ross Taylor called the meeting to order and asked Commissioner Nathan Fisher to lead the flag salute at 5:05 pm.

1. FINAL PLATS (FP)

- A. Consider approval of a fourteen (14) lot residential subdivision for **“Deserts Edge Phase 4”** The representative is Mr. Brad Petersen, Development Solutions. The property is zoned PD-R (Planned Development Residential) and is located at approximately 3500 East and 6050 South (in the Deserts Edge Development off of Prospector Way and Cove Wash Way). Case No. 2014-FP-077 (Staff – John Willis).

Todd Jacobsen presented Deserts Edge Phase 4 with no comments.

- B. Consider approval of a twenty-seven (27) lot residential subdivision for **“Hyde-Berry Park”** The representative is Mr. Brandon Anderson, Rosenberg Associates. The property is zoned R-1-10 (Single Family Residential Estate 10,000 square foot minimum lot size) *and is located at the east end of Mulberry Drive and Marigold Way in Bloomington* (at approximately 1350 West and 3600 South). Case No. 2014-FP-078. (Staff – John Willis).

Todd Jacobsen presented Hyde-Berry Park and noted that part of the road was vacated in the last meeting. Both items are subject to legal review.

Assistant City Attorney Victoria Hales added that Deserts Edge Phase 4 won't record until open space subject to the development agreement is brought in. Hyde-Berry Park has some note issues that will need to be added to the plat. It is possible to approve both tonight subject to those conditions.

MOTION: Commissioner Nathan Fisher made a motion to approve with conditions Deserts Edge Phase 4 with completion of the development agreement regarding open space; Hyde-Berry Park with legal approval of plat notes; and authorize chairman to sign.

SECONDED: Commissioner Ro Wilkinson seconded the motion.

AYES (6)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Nathan Fisher

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (0)

Motion carries.

2. PRELIMINARY PLAT

Consider approval of a preliminary plat for a fifteen (15) lot residential subdivision for "**Carey Lane.**" The applicant is M & F Properties and the representative is Ms. Brandee Walker, Bush & Gudgell. The property is zoned R-1-10 (Single Family Residential 10,000 sq. ft. minimum lot size) and is located at Tuweap Drive and 1880 North. Case No. 2015-PP-002 (Staff – Wes Jenkins).

Wes Jenkins presented the following:

When the applicant came into Planning Staff they wanted to lineup the cul-de-sac with the existing road to the east but it made for a strange layout. We talked about it and preferred the cul-de-sac at Planning Staff. After further review, staff realized that the traffic from this subdivision will come east. There are two policies and one will be violated. Either the City allows a cul-de-sac which limits connectivity or the road will punch through and the distance between entrances is only 90' of the required 100'. The street is a minor street and the violation of the off-set distance is preferred by staff. There are pros and cons either way. The applicant prefers the cul-de-sac.

Assistant City Attorney Victoria Hales asked if the cul-de-sac is in accordance with City standards such as length.

Wes Jenkins said it does meet the standard. It works from that stand point. The issue is which standard to violate.

Assistant City Attorney Victoria Hales asked staff to address drainage as well.

Wes Jenkins explained that the old detention area was a pond. It has dried up and has been filled in. The only issue with drainage is that Tuweap has a low spot. The nearest storm drain is south

of them so they'll have to take their drainage down to the existing line. Sewer has the same issue.

Commissioner Nathan Fisher asked if the road further west of this parcel will continue. Wes Jenkins answered it won't go across the wash; it will probably have another cul-de-sac. The connectivity would be from this project to Ironwood.

Chair Ross Taylor input that it's a challenging neighborhood. You find groups of isolated communities in that area. As I drive around there I am concerned that by doing the cul-de-sac you have to use Tuweap to get anywhere else in town. SunTran has a stop on the street above. If they went all the way through that would be more convenient for the bus routes. There are a number of features in that area that more circulation would benefit. I'm hoping they can rethink the merit of punching through. Not having the roads align is not a major issue because it's not a major street.

Wes Jenkins agreed. If the traffic was greater we would be more concerned.

Commissioner Don Buehner added that with the cul-de-sac there are three driveways on 2100 West rather than the punched through road.

Wes Jenkins input that we looked at that as well. 2100 West does not generate that much traffic so if they were to front that street it would be okay.

Commissioner Nathan Fisher added that 2100 West only goes north.

Commissioner Todd Staheli asked if the push for the cul-de-sac is over one lot.

Wes Jenkins said there's also an elevation change of 5-6 feet between lots. They would prefer the elevation change be in a back yard rather than a side yard.

Chair Ross Taylor input that circulation is an issue because it lacks in that area. I think that bodes for problems. It adds to Tuweap.

Wes Jenkins explained that Tuweap starts on Snow Canyon Parkway and connects down to Sunset Boulevard.

Chair Ross Taylor added that there is a median strip on Tuweap so they are more likely to go north.

Wes Jenkins said he isn't sure why Tuweap is a 66' but there are accesses in the median.

Commissioner Julie Hullinger added that there are only 12 homes so the project wouldn't make that much of an impact.

Commissioner Nathan Fisher inserted that Tuweap will be the heavily traveled street whether it connects to 2100 West or not.

Commissioner Don Buehner asked if there is any attempt to accommodate pedestrian traffic.

Wes Jenkins said that had not been discussed. There is the grade change there. That is something we could look at.

Brandee Walker approached to explain that the owners really want a cul-de-sac to not have the thorough-fare. I personally live on a cul-de-sac for my young kids. They are builders so they will be building the homes. If you punch the road through we would actually gain a lot but they're small and it's a cookie cutter subdivision which isn't what the owner wants. They prefer the 15 larger lots for the footprint of the homes they would like to

build. Tuweap is a 66' and 2100 West is a standard 50'. Ironwood turned their lots so it makes it seem like a corridor with walls. From an engineering standpoint the punch through for the intersections is not ideal. We want to decrease the traffic in the area and slow it down.

Chair Ross Taylor noted that he was on the property today and didn't notice a grade change. Where is that drop?

Brandee Walker said the applicant would like to keep the cul-de-sac low so they don't have to build up a lot of dirt on the end where the three lots are.

Commissioner Todd Staheli asked if keeping the cul-de-sac low causes drainage issues.

Brandee Walker answered that drainage will gravity flow to Tuweap.

Commissioner Don Buehner asked if any thought has been given to a pedestrian trail.

Brandee Walker replied that the lot lines don't match up so it would be strange. When you get into those tight little paths it can be scary.

Commissioner Nathan Fisher noted that staff was clear that they struggled with the same issue as to which item we would like to accomplish more. Usually a developer wants to maximize lots and they are choosing the lesser option. There are purposes served both ways. I think we should accommodate a developer if we can if we're 6's anyway.

Commissioner Don Buehner commented that his concerns were addressed.

Chair Ross Taylor commented that the solution of greater circulation is better in my opinion and I would favor circulation over the cul-de-sac. I see this as another isolated community. If I wanted to visit with someone east of me I would have to drive half a mile rather than 100 yards.

Commissioner Todd Staheli asked if there are traffic studies for Tuweap. How does the traffic there compare to other streets?

Chair Ross Taylor commented that he was there around 2:00 pm and there's not much traffic. It's not a heavily traveled road during the day. Being able to go in more than one direction is more of a concern than the level of traffic on Tuweap.

Commissioner Ro Wilkinson stated that a through street seems more appropriate.

Chair Ross Taylor added that cul-de-sacs increase the drive and you impact houses that wouldn't usually see that traffic.

Commissioner Nathan Fisher stated that a person who chooses to buy in a cul-de-sac does so for a reason. They trade the convenience of a through street for less traffic. There's a market for both.

Councilman Joe Bowcutt said if the road goes through then there would need to be landscaping and a privacy wall which is an added cost.

Assistant City Attorney Victoria Hales clarified that would have to be looked at.

Commissioner Don Buehner noted that the corridor argument on 2100 West is more likely if it's a side yard with a fence rather than a front yard. How many homes front on 2100 West? Wes Jenkins responded that Ironwood has enclosed their subdivision so the only lots that front are on the west side of 2100 West.

MOTION: Commissioner Nathan Fisher made a motion to recommend approval to City Council in the manner that is presented.

SECONDED: Commissioner Julie Hullinger seconded the motion.

AYES (4)

Commissioner Ro Wilkinson

Commissioner Nathan Fisher

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (1)

Chair Ross Taylor

Abstain (1)

Commissioner Don Buehner

Motion carries.

3. **ZONE CHANGES (ZC)**

- A. Consider a zone change from R-1-10 (Single Family Residential 10,000 sq. ft. minimum lot size) to PD-R (Planned Development Residential) on 0.50 acres to accommodate a four-plex referred to as "**Ancestor Village.**" The property is generally located at 1650 North Dixie Downs Road. The applicant is VCL Investments, LLC and the representative is Mr. Chad Van Cleve. Case No. 2014-ZC-016. (Staff – John Willis). *(Note: This item carried over from last PC on Jan 13th)*

Assistant City Attorney Victoria Hales noted that the public hearing opened and closed at the last hearing so this will only be to consider the revisions you requested.

John Willis presented the following:

The previous action was to table for more detailed landscaping and covered parking. The applicant has provided that. Planning Commission expressed the concern that the rendering did not include the covered parking. The two end units have garages where the interior was not shown. The applicant has provided a rendering as requested. The stone work is similar to the building. Revised landscaping has also been provided.

Commissioner Don Buehner asked if the covered parking is in the middle.

John Willis said the covered parking is in the center and the garages on the end.

Commissioner Julie Hullinger noted that there was also discussion on accessing the middle unit backyards for landscaping.

Chad Van Cleve said we did look at that and the two middle units will have artificial grass and xeriscape.

Commissioner Nathan Fisher asked if there will be in CCRs.
Councilman Joe Bowcutt asked if there will be an HOA.
Chad Van Cleve replied there will be an HOA with CCRs. We will plat this at a later date.
John Willis said it will be platted for ownership with common and limited common areas.

Commissioner Ro Wilkinson asked if there are amenities for this complex.
John Willis responded that amenities are not required for a project of this size.

MOTION: Commissioner Ro Wilkinson made a motion to recommend approval.

SECONDED: Commissioner Todd Staheli seconded the motion.

AYES (6)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Nathan Fisher

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (0)

Motion carries.

- B. Consider a zone change from A-20 (Agricultural) to PD-C (Planned Development Commercial) on 16.95 acres to accommodate a proposed shopping center with a grocery store (**Lin's Market**) located at **3000 E Street and Mall Drive**. The property owner is PRI (Property Reserve Inc.). The applicant is SLR (Suburban Land Reserve) and the representative(s) are Mr. Dan McKay (SLR) and Mr. Bill Walley (Associated Foods). Case No. 2015-ZC-001. (Staff – Ray Snyder).

Ray Snyder presented the following:

The request is for a commercial retail center with an anchor store and several shops. Tonight the request is to change the property to Planned Development Commercial (PD-C). Over time this will develop in phases. The zone change is for the entire area to be PD-C. Tonight we are only looking at the anchor and retail shops. The numerical pads will come in at a later date with PD Amendments. Larger areas are allowed to be zoned PD-C and then when they're ready the other areas will come in individually to amend the zone.

Commissioner Don Buehner asked if the recommendation needs to be conditioned on the amendments.

Assistant City Attorney Victoria Hales said that is okay as a condition for approval that new pads or buildings come in as amendments.

Ray Snyder continued stating all of the property is to be zoned but only the main anchor and retail are in front of us tonight.

Commissioner Todd Staheli asked if we know what the retail shops will be.

Ray Snyder answered that they have color elevations for all the retail units that will be carried from the anchor to the retail shops. Those shops wouldn't have to come back in to

amend. Lin's is ready to develop and that's why we're moving forward. The green area which is about 60' is a drainage channel for the irrigation that flows along here. The City is addressing this. We'll talk about the cross section later. There will be a walking path there. The land will be donated and the City will do the trail and landscaping. Because of this, they are asking for a 5' setback from property line. We expect when the pads come in we'll have to address this further. The rear of the building does have columns for relief. There will be phasing for the development. In essence they will develop the grocery store (phase 1) but also want approval for the retail shops in phase 2.

Commissioner Nathan Fisher asked if the channel can be enclosed.

Ray Snyder said engineering says it has to stay open. The only thing I noticed is that the path is near the road and I understood that it would be nearer to the parking lot.

Commissioner Nathan Fisher asked how you get across the channel.

Councilman Joe Bowcutt clarified that the walking path is on the south side of the wash and not on the road.

Ray Snyder said yes, just for that stretch. The grey on the colored site plan shows the trail. The access across the channel is part of the development agreement.

Commissioner Nathan Fisher asked if the proposed 5' setback would be from the trail.

Ray Snyder replied that the setback would be from wherever the property line sits. Staff thinks that is a reasonable request. The staff report includes a written text, narrative, and Traffic Impact Study.

Commissioner Nathan Fisher asked if engineering has finished the review of the TIS.

Ray Snyder touched on the twenty (20) comments in the staff report.

Ray Snyder showed examples of freestanding signs around the City.

Ray Snyder continued with the staff report:

The written text is in the packet. They talk about use of land and the square footage proposed. The project will provide shopping, dining and service retail. Materials are addressed in the written text as well. Density for the project is not applicable. There is a school in Washington further down the road and that would be the closest. There is a phasing plan and landscape plan. A project this large requires 5% of the interior parking lot to be landscaped. Trash enclosures, screening, and a lighting plan have been addressed. A sign package has been proposed as well as a use list.

There is a traffic study letter from Horrocks Engineering, Aaron Baker, to Wes Jenkins. The study addresses delivery truck access on 3000 East and scheduling the traffic signal. Monty Thurber, Public Works, submitted a graphic with access points for the project. It isn't finalized but they are working on it and it does address delivery trucks.

There is a master sign plan in your packet that we'll address now. There is a chart for your review. The applicant is asking for 2 pylons at 40' high and 6 monument signs at 15'. Wall signs are also outlined. The middle column is for what is currently allowed on major commercial streets. The third column is for non major commercial streets. Staff believes that one tall pylon on Mall Drive and four monuments would be preferred to six monuments and two pylon signs. One thing I don't have the answer to is the location of the signs. Signs are normally on private property. Because of the unique circumstance they want the signs out in the City right of way. I believe that is addressed in the development agreement. At the end of the sign package shows the retail lots as well.

City Attorney Shawn Guzman noted that this project is in flux. We have been working to accommodate Lin's and they have been great to work with. This is still according to code but is a bit different. As far as the setbacks and the potential canal; we are in discussions with the land owner. We're talking about the parcel overall versus the parcel Lin's will be using. We do not have a development agreement so I wanted to make clear that we are not saying they are to get the reduced setbacks. They will have to comply. So if they bring in Pad C they will have to comply with the setbacks per the PD Zone. If the agreement is in place that allows the reduced setbacks, that would apply but that is being negotiated. The entrance construction is still being negotiated. The one closer to the intersection is RI/RO only. We don't believe they need both. Also, for signs, we want this project as a PD Zone because if they came in as Commercial Zone they would only be allowed low profile or monument signs. I just wanted to make clear that you are not considering the reduced setbacks, canal or trail, and entrance; they are all items being negotiated in the development agreement.

Commissioner Nathan Fisher noted that if an agreement is not reached, the project must comply with current code.

City Attorney Shawn Guzman said that is correct.

Bill Walley (Associated Foods)

If we had come in as just a grocer we would have had a nice grocer but we wanted to work with a developer in order to allow growth for the community in the future. Phasing will be based on demand. We will build out as needed. Phase 2 could be 6 months down the line or 2 years down the line. We want to get through the process with you so that if we stay consistent with the design standards we've created then we can control the site. That's why Pad A and the retail shops are part of the approval tonight.

Signs – not only is the canal in discussion but all of Mall Drive is being enhanced. We would want zone change approval tonight with the assumption that the development agreement will go through. If it does not then we will conform to the zone standards. Signage we have proposed 2 pylon signs shown. There will be quite a few users. Our goal is to not have small signs everywhere but larger signs that address the area. We know 3000 East isn't a major commercial but that is where 90% of our residents are coming from. The RI/RO closer to 3000 East on Mall Drive is more critical for Pad 1 than it is for the grocer. There are multiple retailers and that

site may be a financial institution or restaurant that would want that additional access. Lots 6, 7, and 8 will be accessible from the interior. The monument signs are not on just phase 1 it is for the whole development. Each pad will be individualized with a need for their own sign. We chose to conform to the sign size and height for the monument signs. If we were to lose the pylon on 3000 East then that monument would be a center sign and not an individual pad sign. Lot 9, 5, 2, and 4 will be on the pylon sign. Inside the grocer we will have a Starbucks, potentially Dairy Queen, a pharmacy, and a financial institution. Our hope is to give adequate signage to each user. For us the goal is to be a little bit taller to keep the names out there, to decrease vandalism, and not have to have multiple monument signs. We are requesting two pylons and ask that both are 40' rather than having to reduce the size of the second sign.

Commissioner Don Buehner asked if Mall Drive is designated as a major commercial street. John Willis said that looking forward Mall Drive does have commercial along a lot of the frontage, however the sign code states that City Council designates major commercial corridors if the street meets certain standards. The streets are listed that allow pylon signs. Mall Drive is not identified as one of those streets. The nature of Mall Drive has changed so the designation may change but 3000 East is a collector and we won't see a major commercial street designation there. That's why staff agrees to the pylon on Mall Drive and not 3000 East.

Bill Walley stated that typically in a smaller commercial setting the businesses are closer to the road. We're so far set back that building signage will not really be seen from the roadway.

Commissioner Don Buehner asked if the major pylon proposed is at the entrance on 3000 East. Bill Walley stated that staff suggests that be a monument sign; we prefer a pylon. The canal piece is not yet worked out in the development agreement. As we work through this discussion we don't want our signage so far off the road. Typically signs are at the road. For us, in the dedication of the land by the canal the desire is to plat the location of the signs prior to the dedication or work with the City for an easement. We understand that's not resolved at this time but that is why we propose that the signs are located outside our property boundary. As far as the use list – we went through the commercial zones and defined what we thought would be realistic in this space. We do work closely with our access and easements and that will help maintain those uses.

Commissioner Todd Staheli asked how many parking spaces are planned. Will there be enough parking to allow restaurants?

Bill Walley said the parking is for the buildings shown as 5:1; each pad will have to stand alone for their parking and show that it all works when they come in for their zone change amendments. We will also have cross parking agreements so the overall can be utilized but each will have to stand alone.

Steve Miner (VP, Associated Foods) added that the CCRs will be in excess of the City requirement. It is important that each pad self maintains. In this development the drainage easement is unique. It is unusual for a developer to deal with that. It is

challenging for the developer to attract good tenants to pads 6, 7, and 8 without monument signs. The canal putting us back so deep is not our first choice. The drainage can be landscaped in an attractive manner. I think we're comfortable that the improvements will aid in getting tenants. For us to put a monument sign on the south side of the trail is not going to attract anyone. They'll want that sign out near the street. The monument signs are unique due to the drainage canal.

Commissioner Don Buehner asked if this sign request is for the entire project not just Lin's. Bill Walley said yes, each monument is in the center of each pad. Steve Miner said each of those pad tenants will want to know there is signage on Mall Drive.

Commissioner Nathan Fisher said it seems to make sense to have the monument signs out near the street.

Commissioner Don Buehner asked if the path and sign location is part of the development agreement.

City Attorney Shawn Guzman said yes, that is part of the negotiation. We'll address the signage in the development agreement. You can also propose that City Council designate Mall Drive as a major commercial street.

Commissioner Nathan Fisher asked if the only other change aside from the monuments and the pylons, is that the pad tenants want 20% all around.

Bill Walley said right, the pad lots will have multiple facades so rather than treating it as front side and rear that would allow them to treat them all as front facades. In reference to the monuments; the only signage that all businesses along the back will get is on the pylon signs. The additional 100 square feet is per the calculation in the code regarding square feet per linear frontage. We wanted to be restrictive but inclusive. Not all of the examples shown had multiple tenants.

Commissioner Don Buehner stated that Red Rock Commons had multiple tenants.

Commissioner Todd Staheli added that the Bell Tower is multi-tenant as well.

Bill Walley countered that Red Rock Commons is more visible.

Commissioner Don Buehner disagreed. Red Rock Commons sits back and drops quite a bit.

Commissioner Todd Staheli noted that some tenants at Red Rock Commons don't even have street signage letting you know they are in the complex.

Commissioner Nathan Fisher asked if the applicant would look at the side and rear of Lin's and make the elevations there less mundane.

Bill Walley said the standard for a grocer is usually not a four sided building. We'll want a pharmacy on one side and fast food on another. Our goal is to break the wall up. The columns continue down the side of the building. There will be buildings beside us that will block some of our building. We do want it to look consistent with the front but don't want windows there. There will be skylights in the building itself. On the sides our intent is to keep and maintain the usability of the interior of the building. Also the trellises on the front are access points. There is a trend of ecommerce and this location will be online and will allow people to order food online and have curb side pickup.

Chair Ross Taylor opened the public hearing.

Javier Jimenez – the proposal sounds good. I would love more organic and healthier options. One concern we have is the traffic flow that you partially addressed. It's a busy area already. Those are the main concerns we know you are taking in consideration. The last point is the changing of the zones. I thought there was more office?

Commissioner Nathan Fisher clarified that the professional office is on the north side.

Chair Ross Taylor closed the public hearing.

Chair Ross Taylor asked if the second access off of Mall Drive is included in the agreement. City Attorney Shawn Guzman said as far as the negotiations go there is one access on Mall Drive. We are not committed to the second. We are in negotiations as to how many accesses there will be.

Chair Ross Taylor asked if that needed to be addressed tonight.

City Attorney Shawn Guzman said no, that does not need to be addressed tonight. We are trying to fast track Lin's but still negotiate. When pad 1 comes in that access can be addressed at that time. Spanning a 90' canal is quite costly. We're discussing the one access on Mall Drive and feel that is adequate at this time.

Chair Ross Taylor asked if the motion should be subject to a development agreement.

City Attorney Shawn Guzman replied that the motion would be for one access on Mall Drive unless otherwise provided in the development agreement.

Steve Miner said approval could be for both if the second access could be per the developer paying for it. It is limited to RI/RO and we understand that.

City Attorney Shawn Guzman said if the developer pays for it that is agreeable.

Bill Walley added that the TIS is complete. The RI/RO is the developer's responsibility with full access on Mall and full access on 3000 East, that is the proposal. We will post the delivery access as its own entrance. The trucks need to be able to get to the light with full access on both. So 3000 East has two full access entrances.

Commissioner Nathan Fisher noted that right now the City doesn't own the land so the developer has to complete the accesses unless the City received land and agrees to fund the bridge.

City Attorney Shawn Guzman said that is true with the qualifier of the canal. It's either an easement or the canal company owns it.

Commissioner Nathan Fisher asked who maintains the canal.

City Attorney Shawn Guzman said it will all be determined in the development agreement.

Steve Miner inserted that if SLR cannot reach an agreement with the City; Lin's would terminate the site and go elsewhere.

Commissioner Nathan Fisher said if we approve it, approval goes with the land regardless of the agreement and developer.

Commissioner Todd Staheli noted that there seems to be a lot of unanswered questions here.

City Attorney Shawn Guzman said again, if we cannot get the agreement for the canal and bridge then it would revert back to all the requirements of a PD-C zone.

Commissioner Todd Staheli addressed signage stating that the pylon on 3000 East seems unnecessary.

Chair Ross Taylor said he can see the need for that signage. It's a unique site with unique needs. Commissioner Don Buehner added that there is a safety concern if you're looking for something and you're not sure where it is. On one hand Lin's will be a destination but there will be some tenants that aren't as well known. Not having a clear spot of where to turn mixes you up.

Commissioner Todd Staheli asked if the additional 10' is needed on 3000 East. It's true about the locations like you say so I don't know that the additional height is needed.

Commissioner Don Buehner noted that the Walmart in Bloomington has multiple accesses and you're not sure which one to turn in so they have a smaller monument sign at the entrance. Maybe a monument can do it.

Commissioner Ro Wilkinson asked if there is a turning lane on 3000 East.

John Willis said staff's recommendation is primarily because it's a residential area. The pylon would have a negative impact. 3000 East doesn't have the same amount of commercial frontage as Mall Drive.

Assistant City Attorney Victoria Hales added that a deceleration lane is drawn.

Ray Alton (Rosenberg) add that SLR has asked us to design all the roads around the property. There will be left hand turn lanes for all the accesses, other than the RI/RO access.

Commissioner Don Buehner asked if there is a deceleration lane.

Ray Alton said yes due to the road widths.

Steve Miner stated that they are open to a 30' pylon on 3000 East to accommodate the residential. The 40' would be needed due to the setback with the canal on Mall Drive.

Chair Ross Taylor added that the pylon is in the middle of the property and not the end so you're really not in the residential area you're in the middle of the commercial.

Commissioner Julie Hullinger agreed that the property is unique and needs a second pylon sign.

Commissioner Todd Staheli asked why does staff not support the pylon on 3000 East.

John Willis stated the street is not a major commercial street as designated in the code. In the community pylons are only allowed on those identified streets. Mall Drive is slowly turning into a commercial corridor so we saw it was more in line with other designated corridors. 3000 East is primarily residential with this commercial node.

Commissioner Nathan Fisher input that we are recommending this item subject to legal review of the development agreement.

City Attorney Shawn Guzman reiterated that if the development agreement is not in place the project will need to meet setbacks and other standards per code.

Commissioner Todd Staheli asked if the development agreement is applicable for the entrances.

Commissioner Nathan Fisher said we're approving as is because the developer stated they would pay for the RI/RO access.

City Attorney Shawn Guzman restated that the developer did agree to bear the cost of the RI/RO so you may include it with the motion tonight.

Commissioner Nathan Fisher asked if the traffic study should be a condition.

John Willis said no.

Ray Snyder added that we usually don't analyze here but wanted to mention it.

MOTION: Commissioner Nathan Fisher made a motion to recommend approval of item 3B conditioned on the requirement that all future pads (1, 6, 7, 8, 9 and 3) come back as zone change amendments, also upon legal review and approval of the development agreement, and also conditioned on the developer financing the improvement of the second access on Mall Drive(the intersection closer Mall Drive and 3000 East that is RI/RO) with the caution and condition that if a development agreement not be reached the developer is required to develop the site pursuant to current ordinances except and so far as the signage as presented here with the adjustment of the pylon on 3000 East as a 30' sign rather than a 40' sign.

SECONDED: Commissioner Julie Hullinger seconded the motion

AYES (6)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Nathan Fisher

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (0)

Motion carries.

Brief recess at 7:25 pm

Meeting resumed at 7:32 pm

- C. Consider a zone change amendment to the PD-C (Planned Development Commercial) zone on 1.29 acres to accommodate development of a two story professional office building. The property is Lot 5 of the 'Tonaquint Center' located along the north side of 1600 South Street. The applicant is TCN Inc. and the representative is Mr. Greg Mathis, MRW Design. Case No. 2015-ZCA-003. (Staff – Ray Snyder).

Ray Snyder stated this is a zone change amendment for a PD Zone. There is sufficient parking. The building architecture and colors fit the design in the area. There will be a site plan review. Staff recommends approval.

Greg Mathis (MRW) noted this is a local programming company. It's a perfect fit for the area. Commissioner Ro Wilkinson added that it is perfect for the area. I like it.

Assistant City Attorney Victoria Hales asked staff if the parking and landscaping are sufficient. Ray Snyder said yes, it appears to meet and exceed and we'll look at it more closely during site plan review.

Commissioner Nathan Fisher stated we see just the elevations. Is there a landscape detail we should be addressing?

Ray Snyder said the landscape detail will not be addressed tonight.

Greg Mathis added that the landscape on the site plan will be what is provided. The full details and irrigation will come forward with the site plan review.

Chair Ross Taylor opened the public hearing.

Chair Ross Taylor closed the public hearing.

MOTION: Commissioner Ro Wilkinson made a motion to recommend approval of Item 3C, zone change amendment subject to staff comments.

SECONDED: Commissioner Todd Staheli seconded the motion.

AYES (6)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Nathan Fisher

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (0)

Motion carries.

**Chair Ross Taylor stated that Item 5 will be addressed prior to Item 4*
If listening to the audio – please skip to Item 5*

4. **ZONING REGULATION AMENDMENTS (ZRA)**

- A. Consider a request to amend the City Zoning Regulations, Title 10, Zoning Ordinance, Chapter 2 “Definitions,” Section 10-2-1 to add a definition for Open Space. Case No. 2014-ZRA-007. (Staff – Ray Snyder).

Ray Snyder stated that both of these amendments are staff initiated. The ordinance currently lacks a clear definition of open space as required as part of a development.

Ray read the proposed ordinance amendment

Chair Ross Taylor asked how often we see the setbacks trying to be used.

John Willis said that this happens often; especially in the PD zones. They try to increase their density with the 30% open space requirement.

Chair Ross Taylor stated that this is a stronger definition than the original intent.

John Willis replied that open space should be useable area not land that can’t be developed anyway.

Commissioner Nathan Fisher noted that in Ivory and some other areas there are lots of slopes that staff presents saying the open space is dedicated in different areas because of the slopes.

John Willis confirmed that the hillside ordinance already regulates that.

Commissioner Nathan Fisher asked if these areas could be designated before and now they cannot.

John Willis answered that the space can be dedicated as open space but this defines whether or not that space can be counted toward an open space requirement.

Chair Ross Taylor opened the public hearing.

Chair Ross Taylor closed the public hearing.

MOTION: Commissioner Don Buehner made a motion to recommend approval of this request to amend the ZRA Title 10 as stated in item 4A of the agenda.

SECONDED: Commissioner Nathan Fisher seconded the motion.

AYES (6)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Nathan Fisher

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (0)

Motion carries.

- B. Consider a request to amend the City Zoning Regulations, Title 10, Zoning Ordinance, Chapter 8 “Planned Development Zone,” Section 10-8-6 “Commercial / Manufacturing Development Standards,” to revise Section 10-8-6-H “Outside Storage,” to add Section 10-8-6-I “Trash, Junk, Inoperable Vehicles and Similar Items,” to add Section 10-8-6-J “Solid Waste Storage Facilities,” to add Section 10-8-6-K “Protection of Residential Property,” and to re-title existing Section 10-8-6-I & J to become Sections 10-8-6-L & M. Case No. 2015-ZRA-001. (Staff – Ray Snyder).

Ray Snyder presented the following:

Currently the Zoning Ordinance specifies that there shall be no outside storage in the PD-C zone(s). However, numerous businesses do have outside storage and most are maintained in conditions which the City would generally support. Currently the ordinance lacks sufficient detail similar to that found in the existing commercial zones. Clarification is required to address issues which periodically arise with existing sites, new site approval, and code enforcement issues. The goal of this amendment is to allow the ordinance to become more unified with the existing language in the commercial zones. This amendment is recommended for approval by staff.

Commercial zoning has a lot of language regarding outside storage. The PD zone says no outside storage. For example over by Stephen Wade there is Moto Zoo. In the rear of the property we approved outside storage with a block wall that screens. They have stacked items above the wall and now people are complaining. We approved that but the code says no outside storage. There are some areas that need to be cleaned up that are too tall or are taking up parking. If they meet the intent and have it screened and approved we feel it is appropriate.

Commissioner Nathan Fisher asked if the Lifetime Store on the Boulevard has outside storage.

Ray Snyder said that this is permitted in the C-2 or C-3 zone. This amendment is for the PD zone.

Commissioner Ro Wilkinson said there are a lot of properties with outside storage like the pottery place on Bluff.

Assistant City Attorney Victoria Hales noted that would be in a commercial zone as well rather than a PD.

Commissioner Nathan Fisher asked if the proposed PD language mimics what exists in the commercial zones.

Assistant City Attorney Victoria Hales said yes.

Ray Snyder read through the proposed amendment.

Commissioner Nathan Fisher asked if storage is reviewed by the Community Development department.

Ray Snyder said yes.

Commissioner Nathan Fisher asked if the requirement would be for a solid masonry wall on property line and then inside 10' landscape.

Ray Snyder stated that the best example would be on River Road with the block wall, landscaping, and then the building.

Commissioner Nathan Fisher asked if the ratio is 1:1 is for every foot above 15' setback an additional foot.

Commissioner Don Buehner added that the landscape strip remains at 10'.

Assistant City Attorney Victoria Hales pointed out that most paragraphs state Community Development but section K states City Planning.

Ray Snyder said he would edit the text to be uniform.

Assistant City Attorney Victoria Hales asked that the motion condition the text being uniform.

Commissioner Ro Wilkinson asked where recycling bins fit into this ordinance.

Ray Snyder said this does not address recycling.

Commissioner Todd Staheli noted that if City Council passes the recycling program then you don't have to worry about them.

Commissioner Nathan Fisher advised looking at the one clause that says "whereas" and put either a period and start a new sentence "in other words" or a long hyphen to continue the thought.

Chair Ross Taylor opened the public hearing.

Scott Roper said getting rid of the recycling bins would be good.

Councilman Joe Bowcutt noted that that has not yet been decided. Smaller areas have requested that the bins remain.

Commissioner Ro Wilkinson stated that she has been recycling for a long time and thinks recycling should take place at the home not in large parking lots.

Chair Ross Taylor closed the public hearing.

MOTION: Commissioner Nathan Fisher made a motion to approve the language proposed with the change for section K regarding the consistency of Community Development rather than Planning.

SECONDED: Commissioner Todd Staheli seconded the motion

AYES (6)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Nathan Fisher

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (0)

Motion passes.

5. **CONDITIONAL USE PERMIT (CUP)**

Consider a request for a Conditional Use Permit to construct a **detached accessory structure** with a maximum ridge height of approximately seventeen feet (17') and wall height of approximately twelve feet (12') for personal auto and RV storage. The structure will be stucco with a metal roof and have 2,000 sq. ft. (40 ft. x 50 ft.) The applicant is Mr. Greg Mathis. Case No. 2015-CUP-001. (Staff – John Willis)

John Willis presented the following:

There are two triggers for the conditional use permit. The first is the wall height of 12' (over 10 requires) and the overall height of 17' (over 15 requires). When this report was drafted I had questions about setbacks. Legal determined that any wall height greater than 12' must be setback 10' so approval would be subject to the garage meeting the setback requirement. They are far from the existing house and rear property line. The proposed structure does not encroach on any City easements.

Commissioner Todd Staheli asked if there were any neighbor responses.

John Willis responded that no objections were received, only inquiries as to location.

Greg Mathis said that in light of the setback requirement we would like to narrow this building to meet the setbacks and then have a 20' overall height and will modify the site plan accordingly prior to City Council.

Commissioner Todd Staheli asked how tall the house is.

Greg Mathis said the house is 14 to 15' tall. The house is being remodeled and cleaned up. The building is far enough back that it shouldn't make a difference.

Commissioner Todd Staheli asked how tall adjacent houses are.

Greg Mathis was not sure of the surrounding home heights.

Commissioner Don Buehner asked if there would be a public notice conflict with the different height request.

Assistant City Attorney Victoria Hales said no, it is okay with the approximate height.

Councilman Joe Bowcutt said that some of the houses there are 2 stories.

Commissioner Nathan Fisher clarified that the request is now for 20' rather than 17'.

Commissioner Don Buehner asked if the building will now be more narrow and taller.

Greg Mathis said yes, because we're further away from the property line we would like to be taller.

Commissioner Don Buehner asked what the roof material and color will be.

Greg Mathis responded the roof will be tan stucco.

Assistant City Attorney Victoria Hales inserted that the notice did say approximately and I'm comfortable the notice was adequate.

Commissioner Nathan Fisher noted concern about a metal roof.

Commissioner Ro Wilkinson said you probably won't see that. What color would the metal be?

Greg Mathis said the metal is for maintenance. We could go to asphalt shingle.

Commissioner Don Buehner commented that three feet is close but I would like to see the new information presented to the neighbors properly. I would like to see it go back to the neighbors with a 20' height request and a revised site plan.

Greg Mathis asked if 19' would be more appropriate.

Commissioner Don Buehner stated that it's the concept of unknown. I'm just thinking of the neighbors as far as specifics.

John Willis said there were 2 phone calls received and the callers were concerned about where the property was not the height of the building.

Commissioner Don Buehner explained that when you're given information you ask certain questions. If the information changes then maybe there would be different questions.

Councilman Joe Bowcutt noted that this building will be an improvement to that neighborhood.

Commissioner Don Buehner stated he is more concerned with process. I'm not opposed to the building itself.

Chair Ross Taylor asked why the height of the roof is changing. Architecturally you're changing the pitch of the roof. Is that in order to maintain storage?

Greg Mathis replied that the first design was to maximize door height. To get a 12' door and stay as low as possible is why it was the way it is. If we can go up then we can have a taller door and such. Aesthetically the building wouldn't change much. The height would allow for a 14' door. We weren't told about the setbacks until it was too late.

Chair Ross Taylor asked how a narrower builder equates to a taller building.

Greg Mathis replied that we always wanted 14' doors but thought with the reduced side yard setback we couldn't do that.

Commissioner Julie Hullinger said if legal is okay with the approximate notice then I feel comfortable moving forward.

Assistant City Attorney Victoria Hales said she is comfortable of the public notice. I can highlight the modifying regulations in 10-7B-6: height shall be limited to 15' for pitched roof or 12' for a flat roof unless a conditional use permit is granted for a greater height; must meet all

setbacks for the zone and is at least 6' from the main dwelling; and aesthetically similar to the existing home.

Commissioner Don Buehner asked what the notice mailed to the neighbors says.
John Willis stated he would retrieve the letter.

John read through the letter sent to the neighbors

Commissioner Don Buehner stated that the letter read 17' not approximately 17'. Looking at the map I don't expect this case would yield a better result but want to reiterate that the on letters and notices the process is important. I remain concerned that we're revising specifications.

Chair Ross Taylor opened public hearing.

Mark Wittwer said he respects what is being said but we're going to be further way which is a bigger difference than the pitch. There are trees everywhere it drops off from our home.

Chair Ross Taylor closed the public hearing.

Commissioner Todd Staheli agreed that this would be a good addition to the area. However, I may have a different opinion if the specifications changed without my knowledge.

Chair Ross Taylor stated that applicants making changes. Had they known the circumstances prior to applying they may have applied differently so I don't see them trying to deceive. I agree information needs to the public needs to be accurate but I also know we would approve something of this height in this part of town.

MOTION: Commissioner Julie Hullinger made a motion to approve item 5 with the setback being 10' from property line and the height of 20' because there was a mix up between staff and the applicant as to what was allowable. I see the aesthetics will be stucco and a metal roof, height at 20', and that it will match the overall character of the property.

Commissioner Todd Staheli asked the motion include the metal eaves are to be tan.

Commissioner Julie Hullinger added tan metal eaves to the motion.

Commissioner Nathan Fisher asked counsel if the proposal fits under the criteria of "similar material" if the home is asphalt shingle and the detached structure is metal.

Assistant City Attorney Victoria Hales said the structure will have similar color, material, and design as the main structure.

Greg Mathis said the outside of the home will be re-stuccoed and I think the roof is asphalt shingle.

Chair Ross Taylor said that would fall under aesthetics. The structure is to "blend harmoniously".

Greg Mathis clarified that the proposal is for prefinished tan metal and stucco.

Commissioner Nathan Fisher asked counsel if that is similar enough.

Assistant City Attorney Victoria Hales said the Commission may determine if the proposal meets the color and design.

Commissioner Todd Staheli added that there are metal roofs nearby.

SECONDED: Commissioner Ro Wilkinson seconded the motion

AYES (5)

Commissioner Ro Wilkinson

Chair Ross Taylor

Commissioner Nathan Fisher

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (1)

Commissioner Don Buehner

Motion passes.

** Item 5 was addressed prior to Item 4*
If listening to the audio – please return to Item 4*

ADJOURN

MOTION: Commissioner Ro Wilkinson made a motion to adjourn.

SECONDED: Commissioner Julie Hullinger seconded the motion.

AYES (6)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Nathan Fisher

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (0)

Meeting adjourned at 8:42 PM.